



Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

April 1, 2016

Attached are the minutes of the Communities & Public Safety Committee and the City Council meeting held on Tuesday, March 22, 2016.

Breck

NORFOLK, VIRGINIA

COMMUNITIES & PUBLIC SAFETY COMMITTEE MEETING

TUESDAY, MARCH 22, 2016

The meeting was called to order at 4:05 p.m. with the following members present: Ms. Graves, Ms. Johnson, Dr. Whibley and Mr. Smigiel

RENOVATE NORFOLK

Ms. Kim Pierce, Assistant Director Neighborhood Development, and Ms. Aarian Daniels, Public Service Coordinator reported as follows:

- The Renovate Norfolk program launched September 19, 2015 after NRHA's homeowner occupied rehabilitation and repair program was transferred to the city.
- Key features were reviewed including requirements that homes must be owner occupied, current on taxes, mortgage and utilities. Owner must have homeowners insurance and must meet HUD income limits.
- 80 applications have been received; 20 have been income verified and pre-inspection is complete; 60 are being processed for income verification and pre-inspection.
- Work on the first 20 homes is expected to begin within the next 45 days.

Ms. Johnson asked how long the process takes from start to finish. Ms. Daniels responded is approximately 90 days from application to start of construction.

Dr. Whibley asked 1) how is this program different from the one they had in Monticello Village, noting that funding was immediately distributed every year and it was wildly successful; and 2) how this program differs from the NRHA program.

Ms. Johnson stated that the program through NRHA was an equity secured grant.

Mr. Chapman stated that he was not familiar with that program and will get the information for her.

Dr. Whibley commented that they've had some disappointing results with programs where contractors were awarded grants and did renovations with very disappointing results. She asked how homeowners are being protected from subcontractors who do unsatisfactory work and if there is a list that shows the work history of subcontractors and if there is a follow up process to make sure that the work was done satisfactorily and the contractor hasn't disappeared.

Mr. Chapman responded that they are working with a well-established community development corporation that is not locally based but have experience working statewide. He also noted that they have a network of subcontractors who have their own network of subcontractors who have standards that were passed down to these subcontractors to ensure that properties that are rehabbed under this program are being done in accordance with their standards.

Dr. Whibley asked if local minority-based contractors are being used in this program. Mr. Chapman noted that they were and that this particular firm, Project Homes, has a very good track record of engaging small and minority-owned firms.

Ms. Williams Graves commented that if they get into an inspection and see that the scope of work is far beyond \$25,000, she asked what their responsibility is to that person. She also stated that if they go into a property and do an inspection there may be several code violations that make the residence unsafe or technically uninhabitable even though someone has been living there and now they have an issue where they can't turn a blind eye to the code violations. She asked how does that all get reconciled if the property technically is uninhabitable and the homeowner doesn't have the money to do all of the necessary repairs.

Ms. Daniels responded that their goal is to help everyone and they will work with the person or family through other entities so they can inspect the property and address the violations.

Mr. Smigiel asked if they are mentioning the tax abatement program when they are talking with people who don't qualify. He stated that there is an opportunity to look in the conservation areas particularly all of Ocean View and Huntersville.

Mr. Riddick stated that for properties that might be over 50 percent repairable there are a lot of seniors who are afraid to apply for that particular reason. He stated that they need a presentation from Mr. Homewood on what the Planning Department's process is moving forward so that individuals who have that 50 percent repairable that

there are some strategies put in place so that seniors who do need this won't be afraid of being put out of their homes because they are beyond 50 percent repair.

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, MARCH 22, 2016

President Fraim called the meeting to order at 4:30 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He thereupon called for Council Interests.

A. COUNCIL INTERESTS

1. Councilman Smigiel:

- Asked when the Yield sign for the square at East Beach will be on Council's docket.
- Asked for landscaping maintenance at the intersection of Military Highway and Little Creek Road.

2. Councilwoman Johnson:

- Asked for street repairs to Cromwell Road from the 7-Eleven back towards Tidewater Drive.
- With regard to the presentation on Small, Woman-Owned, and Minority-Owned Business Program, she asked that our marketing department partner with informing the public about opportunities.

3. Councilman Riddick:

- With regard to Colonna's shipyard and other shipyards on the southside, he expressed concern about sandblasting dust and other particles inundating the surrounding communities and asked that appropriate staff examine the issue.

- Asked for the removal of containers, large vehicles and overgrown vegetation at the old Giant Open-Air Market property on Campostella Road.
- With regard to the intersection of Tidewater Drive and Lafayette Boulevard, asked for the following: traffic light timing changes to accommodate pedestrians; speed enforcement; and installing cameras. Councilwoman Johnson echoed his concerns and reiterated an earlier request to include other major intersections such as Cromwell Road and Tidewater Drive and Princess Anne Road and Tidewater Drive.
- Noted that the Joseph N. Green, Jr. lecture series is April 15th at 7 p.m. at the Attucks Theater. The speaker will be former Governor L. Douglas Wilder. It also coincides with Father Green's 90th birthday. Council members and a guest are invited to attend.

4. Councilman Protogyrou:

- Asked to include funding for Visit Norfolk in the 2017 budget. He added that they are looking for office space and he suggested his former office in the Monticello Arcade across from MacArthur Mall.
- Asked to inform the civic leagues and other appropriate neighbors about plans for the park at Meadowbrook.
- Asked when the construction holding area on North Shore Road at Wards Corner will be closed.
- With regard to the presentation on Improvements to Time and Absence Management, he asked to notify employees ASAP.
- Asked that the SPSA presentation be broadcast live to inform citizens and to include the ability for questions to be submitted by viewers.

The following requests were made during the Formal Session:

5. With regard to PH-5 (Andalousi - 2729 Bowdens Ferry Road), Councilman Riddick asked for a full presentation which should include a map.
6. Following new business speakers representing city retirees, Councilman Protogyrou asked the City Manager for a presentation on what the process would be for moving from our present system to the VRS.

B. SPSA UPATE

Richard Broad, Assistant Director, Public Works, reported as follows:

Since the last update, SPSA has finalized a Use & Support Agreement; finalized negotiations with three bidders; worked with Suffolk on host agreement terms; and recycling prices and fuel prices have dropped dramatically.

To date, a vendor has been selected, recommended signing a Use & Support Agreement and discussions continue with Suffolk on the Host Agreement.

A proposal from RePower would build a plant in Suffolk to transform trash into fuel pellets and will extend the life of cells 5 and 6 of the landfill to 2044.

Councilman Winn asked if the \$1.5 million in escrow would be forfeited if RePower doesn't produce. Mr. Broad answered that there are specific steps they have to meet or SPSA can take the money. He added that there is a 101-page governing document that lists specific steps that have to be met and they are actually in favor of SPSA.

Councilwoman Whibley asked if Virginia Beach and Portsmouth are participating. Mr. Broad stated that Virginia Beach commented that SPSA should have worked out the host agreement sooner but he is optimistic they will stay in.

Councilman Winn asked what would happen if all the municipalities chose not to participate. Mr. Broad answered that there are ways to make up the difference such as sending all our blue can recyclables to RePower. Mr. Pishko noted that a condition was if Virginia Beach and Chesapeake don't join then it comes back to the Council to decide whether to proceed.

Councilwoman Johnson noted that RePower was the group that was the most environmentally safe.

Councilman Winn asked who is responsible for closing the landfills in Suffolk when they are full. Mr. Broad answered that SPSA would be responsible.

C. SMALL, WOMAN-OWNED AND MINORITY OWNED BUSINESS PROGRAM

The City Manager, introduced the presentation saying there is no formal program to encourage minority business development and today's presentation addresses that. He reviewed definitions of what those businesses are, that there exists a state certification of SWaM businesses and that the City is operationalizing a more comprehensive approach to expanding opportunities to SW and M businesses.

Peter Chapman, Deputy City Manager, reported as follows:

- The City's current effort includes business cafes and Grow Norfolk fund to help SWaM businesses gain access to capital.
- It is proposed to help grow SWaM business revenue through a four percent approach that includes opportunity, access, capacity building and utilization.

D. IMPROVEMENTS TO TIME AND ABSENCE MANAGEMENT

Capri Stanley-Smith, Director of Human Resources reported on this item:

Mr. Jones stated that this initiative falls in line with continuous improvement efforts.

Ms. Stanley-Smith stated People Soft is the system that tracks all employee data including leave, and it's also the system used to process employees' payroll. This is a joint effort between the departments of Human Resources, Finance and Information Technology. Human Resources met with city and constitutional departments to discuss these enhancements and they received an overwhelming amount of support.

There are three main reasons these enhancements are necessary. First, it will increase accuracy in how information is processed. Second, it will help eliminate human error by automating key processes. Third, it will standardize the way information is recorded and maintained for everyone the city processes payroll for.

Currently employees are paid semi-monthly on the 15th and the last day of the month (24 paychecks annually). This will change in January 2017 to a bi-weekly pay (26 paychecks annually) which is the industry standard.

Discussion on PH-2 – Tattoo Parlors

Mayor Fraim asked about this item on Tattoo Parlors, if it was fully discussed at the planning commission.

Discussion on PH-3 – Tarrants Bay, LLC

Mayor Fraim asked if Tarrants Bay has financing. Chuck Rigney responded they have deep pockets from Washington, D.C. He expressed concern about its feasibility.

Mayor Fraim reviewed the proposed Housing Trust Fund work group. Council agreed to add three additional member's: Nikita Houchins from the Planning Commission, Ed Haywood from the School Board and Vice Mayor Angelia Graves.

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, MARCH 22, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mrs. Graves from today's meeting.

Motion adopted.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release, subject to a certain condition, of a fifteen foot permanent utility easement and a fifteen foot permanent access easement over property owned by **LG Capital, LLC**, located at **4621 Pretty Lake Avenue** in the City of Norfolk.

Thereupon, an Ordinance entitled, "An Ordinance approving the release, subject to a certain condition, of a fifteen foot permanent utility easement and a fifteen foot permanent access easement over property owned by LG Capital, LLC located at **4621 Pretty Lake Avenue** in the City of Norfolk; and authorizing the City Manager to execute and appropriate Deed of Release on behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to Table 6-A, "Commercial Districts Table of Land Uses," and Section 25-10.9, "**Tattoo Parlor and Tattoo School**," within the Zoning Ordinance of the City of Norfolk, 1992, to allow "Tattoo Parlor/School" in the C-2 (Corridor Commercial) District by Special Exception, and to amend the 1,000 foot minimum separation requirement between Tattoo Parlors/Schools.

Ellis James, 2021 Kenlake Place, spoke in opposition to this matter.

Katie Schemmel, 714 Wingfield Avenue, spoke in favor of this matter.

Thereupon, an Ordinance entitled, "An Ordinance to amend Table 6-A and Section 25-10.9 of the Zoning Ordinance of the City of Norfolk, 1992, **SO AS TO** allow "Tattoo Parlor/School" in the C-2 (Corridor Commercial) District by Special Exception and to remove the 1,000 foot minimum separation requirement between Tattoo Parlors/School," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Tarrants Bay, LLC** for a change of zoning from I-4 (Waterfront Industrial) District to Conditional D-5 (Fort Norfolk) District on property located at **151 Riverview Avenue**.

Howard Gordon, attorney for the applicant, 1700 Dominion Tower, Norfolk, 23510 was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **151 Riverview Avenue** from I-4 (Waterfront Industrial) to Conditional D-5 (Fort Norfolk) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Cristina Angelo** for a change of zoning from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District on property located at **2410-2414 Colonial Avenue and 433-435 W. 25th Street**.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **2410 to 2414 Colonial Avenue and 433 to 435 West 25th Street** from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-4A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit Mixed Uses on property located at **2410 Colonial Avenue and 433 to 435 West 25th Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-4B An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as "Mea Culpa" on property located at **2410 Colonial Avenue and 433 to 435 West 25th Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Andalousi** for a change of zoning from R-8 (Single-Family) District to Conditional C-1 (Limited Commercial) District on property located at **2729 Bowdens Ferry Road**.

(The applicant requested to continue this matter to April 12, 2016 as his parking arrangements were not yet finalized.)

ACTION: The Public Hearing was continued to April 12, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None,

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Vistacor Advisors, LLC**, for a change of zoning to modify the conditions on property zoned Conditional C-2 (Corridor Commercial) District on property located at **2315, 2401, 2419, 2501, 2517, 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24th Street, 1215, 1217, 1221, and 1225 West 25th Street, 1204, 1207 and 1209 West 26th Street, and 2330 Bowdens Ferry Road**.

Thomas Harris, 1231 W. 27th Street, spoke in favor of this matter.

Thomas Tingle, 4350 Newtown Road, Williamsburg and David Clarke, 9562 28th Bay Street, were present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at **2315, 2401, 2419, 2501, 2517, 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24th Street, 1215, 1217, 1221, and 1225 West 25th Street, 1204, 1207 and 1209 West 26th Street, and 2330 Bowdens Ferry Road** in order to change conditions on property zoned conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None,

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Land Disposition and Development Contract** with Ocean View Properties, Inc. for two parcels of land consisting of a total of 3.7 acres, more or less, and located at **719 E. Ocean View Avenue**.

(The developer has requested to continue to May 10, 2016)

ACTION: The Public Hearing was continued to May 10, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Pinewell Station** for a) an amendment to the City's Future Land Use Map within the general plan, *plan Norfolk 2030*, from Open Space/Recreation and Commercial to Multifamily; b) a text amendment to the City's *Zoning Ordinance* to create PD-R Pinewell Station (Pinewell Station Residential Planned Development) district and c) for a change of zoning from C-2 (Corridor Commercial) and OSP (Open Space Preservation) Districts to PD-R Pinewell Station (Pinewell Station Residential Planned Development) District on property located at **600 and 719 East Ocean View Avenue**.

(The developer has requested to continue to May 10, 2016)

ACTION: The Public Hearing was continued to May 10, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting with appreciation the donation to the City of a K-9 dog having a value of approximately \$7,000 from Dr. Caesar DePaco and Mrs. Deanna Padovani-DePaco for the **Norfolk Police Department K-9 Program,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a policing in the **21st Century Grant Award** of \$10,000.00 from the **Virginia Department of Criminal Justice Services for the Police Athletic League and Business Watch Programs**, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of \$500.00 from previously-appropriated funds as a local cash match for the programs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **316 and 318 Brockwell Avenue** for the purpose of construction of a retention pond; approving the acquisition of the property by **Purchase Agreement or Condemnation**; and authorizing the expenditure of a sum of up to \$46,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City to enter into a **Performance Agreement** with the Economic Development Authority of the City of Norfolk and Colonna's Ship Yard, Incorporated," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Attorney and an Ordinance entitled, "An Ordinance to amend and reordain Section 28-11 and Section 28-12 (a) of the *Norfolk City Code, 1979* concerning indecent exposure and public nudity **SO AS TO** add an exception to conform with the Code of Virginia regarding breastfeeding," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **Office Depot, Inc.** in the amount of \$3,592.82, plus interest, based upon the overpayment of its Business License Tax for the year 2015," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

A Resolution entitled, "A Resolution appointing or reappointing 69 persons to 12 Boards, 8 Commissions and 1 Authority for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective March 22, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None

NEW BUSINESS

The following persons spoke in support of retirees receiving a cost of living adjustment in the upcoming fiscal year

1. Tom Luckman, 3192 Gallahad Drive, Virginia Beach.
2. Charles Britt, 2535 Woolsey Street.
3. Jim Shepard, 8167 Harwood Court.
4. Stephen Taylor, 330 West Brambleton Avenue, #915.
5. Joseph George, 1447 Westover Avenue.
6. Maggie Byrum, 3800 Davis Street.
7. Danny Lee Ginn, 3844 Dare Circle.